

REMARKS

Claims 1-18 are pending in this application. Claims 1, 4, 10, and 13 have been amended, and claims 3 and 12 have been canceled, without prejudice. Applicant reserves the right to pursue the original claims and other claims in this and other applications. In view of the amendments to the claims and the remarks below, Applicant respectfully requests that the rejections be withdrawn and the claims allowed.

Claims 1, 3, 4, 10, 12 and 13 are rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 6,681,363 to Ikeda et al. (“Ikeda”). The rejection is respectfully traversed.

Claim 1, as amended, describes an information recording/playback apparatus that records/replays data and includes “determination means for determining . . . whether the data correspond to video data to be recorded/replayed in real time or PC data to be recorded/replayed with accuracy.” This feature (which was previously recited in claim 3), is not described in the prior art of record.

In rejecting former claim 3, the Office Action (at 3) states that Ikeda teaches (at col. 2, ll. 10-15 and col. 6, ll. 1-25) that data to be recorded/replayed in real time is video data. The cited sections of Ikeda, however, discuss only audio data and image data. Image data is not the same as video data, and even setting aside this difference, neither Ikeda’s audio data nor Ikeda’s image data is ever described as being involved in a determination between playback in real-time or with accuracy, as described in the claim 1 “determining.”

Claim 1 recites “determining . . . whether data [is] to be recorded/replayed in real time or . . . with accuracy” (emphasis added). This determination is made because of a separation between how to handle PC data and video data. Specifically, the specification states that “PC data is preferably recorded/replayed with accuracy rather than data processing speed” and “[o]n the other hand, video data are preferably recorded/replayed in real time in order to avoid the occurrence of interruptions and halts in the video.” Application at p. 21, ll. 3-11. Accordingly, it is beneficial to first determine

which type of data (PC or video) is about to be recorded/replayed, and then proceed with a process based on the determination result.

The Ikeda reference is focused entirely on sound and image data. Ikeda at col. 6, ll. 18-24. Ikeda does not discuss PC data or any equivalent whatsoever. Since Ikeda is entirely focused on playing back entertainment media such as music and still (non-video) images, Ikeda would have no reason to perform the above-described “determining.” Ikeda does not even involve the two types of data that are described in the claim 1 “determining.”

Furthermore, even assuming, *arguendo*, that Ikeda does disclose the types of data in claim 1, Ikeda does not teach or suggest “determining before data recording/playback is started whether the data correspond to video data to be recorded/replayed in real time or PC data to be recorded/replayed with accuracy.” Ikeda is focused on viewing and listening to data in real time, while at the same time having reliable error correction. Ikeda at col. 10, ll. 25-28. Since Ikeda strives to create a real time viewing and listening experience for all described data types, Ikeda would have no reason to perform the above-described “determining” process. Ikeda would always involve data corresponding to the “real time” data of claim 1, would never involve the “accuracy” data, and would thus have no need to perform any “determining” process. Accordingly, Ikeda does not teach or suggest the claim 1 “determining” for this additional reason.

For at least these reasons, claim 1 is allowable over the prior art of record. Claims 4, 10 and 13 depend from claim 1 or recite limitations similar to those discussed above in connection with claim 1. Claims 4, 10 and 13 are therefore allowable for at least the same reasons that claim 1 is allowable.

Claims 2, 5, 11 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of U.S. Patent No. 7,120,251 to Kawada et al. (“Kawada”). The rejection is respectfully traversed.

Claims 2, 5, 11 and 14 depend from claims 1 and 10 and include all limitations of their respective base claims. As described above, claims 1 and 10 are allowable over Ikeda, and Kawada

does not cure the deficiencies of Ikeda with respect to these claims. Kawada is relied upon merely as teaching using predetermined information to identify real-time data. Among other things, Kawada does not teach or suggest the claim 1 “determining.” Accordingly, claims 2, 5, 11, and 14 are allowable for at least the same reasons that claims 1 and 10 are allowable.

Claims 5 and 14 are allowable for additional reasons, as well. Claims 5 and 14 recite that the predetermined information is “a sequence header.” Sequence headers can be distinguished from other information by the specific code and information contents therein that is recorded in a specific order. See Application at 17. Determining whether a sequence header is present or not provides information about whether the data that follows is video or PC data. In rejecting claims 5 and 14, the Office Action (at 4) relies on Kawada’s FIG. 12 and column 21, lines 35-40. This portion of Kawada, however, merely discusses predetermined information and real-time data, it does not teach or suggest anything that could be considered “a sequence header.” Kawada does not disclose a sequence header in the cited portion or any other portion, much less using a sequence header that is “predetermined information” used by a “determination means.” Accordingly, claims 5 and 14 are allowable for this additional reason.

Claims 6-9 and 15-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Ikeda in view of U.S. Publication No. 2002/0064379 to Kawashima et al. (“Kawashima”). The rejection is respectfully traversed.

Claims 6-9 and 15-18 depend from claims 1 and 10 and include all limitations of their respective base claims. As described above, claims 1 and 10 are allowable over Ikeda, and Kawashima does not cure the deficiencies of Ikeda with respect to these claims. Kawashima is relied upon merely as teaching correcting errors in a recording by retry operations. Among other things, Kawashima does not teach or suggest the claim 1 “determining.” Accordingly, claims 2, 5, 11, and 14 are allowable for at least the same reasons that claims 1 and 10 are allowable.

Claims 6-9 and 15-18 are allowable for additional reasons, as well. Claims 6-9 and 15-18 all recite performing a retry operation a predetermined number of times, where that predetermined

number of times varies and changes depending on various factors (e.g., determine whether PC data or video data (claim 6); determine whether PC data or video data wherein if video data, perform no retry at all (claim 7); determine whether PC data or video data, wherein if video data, ignore an error (claim 8); and determine whether PC data or video data, if video data, skip over an error if video data (claim 9)).

The Office Action (at 4) again cites the Kawashima reference against these claims. Kawashima, however, merely describes a retry controlling means 118 that stores a predetermined criterion value. Kawashima gives no indication that the predetermined criterion value can be changed or adjusted depending on various factors, including the claimed "perform no retry," "ignore," and "skip over" factors. Accordingly, Kawashima does not teach or suggest these additional features of claims 6-9 and 15-18. For at least these additional reasons, claims 6-9 and 15-18 are allowable over the prior art of record.

In view of the above, Applicant believes the application is in condition for allowance.

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